

Remarks

Applicants respectfully request reconsideration of this application as amended. No claims have been amended. No claims have been cancelled. Therefore, claims 1-24 are presented for examination.

In the Office Action, claims 1-4, 6-8, 11-12 and 20-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tischler (U.S. Patent No. 6,483,516) in view of Cosman (U.S. Patent No. 5,651,104). In response, applicant submits a declaration pursuant to 37 C.F.R. § 1.131 enclosed herewith to overcome the Tischler reference.

The submitted declaration illustrates that that the present application had been conceived and reduced to practice in the United States at least prior to October 9, 1998, the filing date of Tischler. Reduction to practice occurs upon proof that the inventor had prepared drawings or other descriptions of the invention that are sufficiently specific to enable a person skilled in the art to practice the invention. Pfaff v. Wells Elec., Inc., 525 U.S. 55.

Applicant respectfully submits that the rejection has been obviated since Tischler has been overcome by the enclosed 37 C.F.R. §1.131 declaration, and Cosman alone does not disclose or suggest the present invention.

Claims 5, 19 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tischler in view of Cosman as applied to claims 1, 11 and 20 above and further in view of Penna et al. (U.S. Patent No. 6,498,606). In addition, claims 9, 13 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tischler in view of Cosman as applied to claims 1, 11 and 20 above and further in view of Pfister et al. (U.S. Patent No. 6,448,968). Further, claims 10 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tischler in view of Cosman and further of Pfister et al as applied to claims 1-9 and 11-17 above, further in view of Li et al. (U.S. Patent No. 5,860,06).

For the reasons stated above with respect to claims 1-4, 6-8, 11-12 and 20-23, applicant respectfully submits that the above rejections have also been obviated because of the enclosed 37 C.F.R. §1.131 declaration.

Applicant emphasizes that submission of the enclosed declaration pursuant to 37 C.F.R. §1.131 should not be construed as an acquiescence to the any of the reasons for rejection set forth in the June 6, 2003 Office Action.

Applicant respectfully submits that the rejections under 35 U.S.C. § 103(a) have been overcome, and withdrawal of these rejections are respectfully requested. Applicant submits that Claims 11-24 are now in condition for allowance and such action is earnestly solicited.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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